



GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON
Report of Examination

RECEIVED
SEP 29 2006

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

☐ Surface Water

☒ Ground Water

DATE APPLICATION RECEIVED March 8 th , 2006	WATER RIGHT DOCUMENT NUMBER 4834-A	WATER RIGHT PRIORITY DATE October 19 th , 1960	BOARD-ASSIGNED CHANGE APPLICATION NUMBER GRANT-06-005
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NAME Cascade Valley Water District	(CITY) Moses Lake	(STATE) Washington	(ZIP CODE) 98837
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Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

FAMILY FARM

Ground Water Right Certificate 4834-A is **NOT** classified as a Family Farm Certificate in accordance with Chapter 90.66 RCW.

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 125	MAXIMUM ACRE-FT/YR 45.5			TYPE OF USE, PERIOD OF USE Irrigation 17.5 acres.			
SOURCE 1 Well					TRIBUTARY OF (IF SURFACE WATER) N/A			
AT A POINT LOCATED:		¼ SW	¼ NE	SECTION 34	TOWNSHIP N. 19N	RANGE 28E	WRIA 41	COUNTY. Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED SW1/4 NE1/4 Section 34, Township 19 North, Range 28 East, W.M. Grant County								
PARCEL NO.	¼	¼			SECTION		TOWNSHIP N.	RANGE,

Proposed Use

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 125	MAXIMUM ACRE-FT/YR 41.0			TYPE OF USE, PERIOD OF USE Continuous Municipal			
SOURCE 2 Wells					TRIBUTARY OF (IF SURFACE WATER) N/A			
AT A POINT LOCATED: PARCEL NO.		¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY.
1) NW1/4NW1/4		NW	NW	17	19N	28E	41	Grant
2) NW1/4NW1/4		NW	NW	17	19N	28E	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Cascade Valley Water District service Area, within Section 17, Township 19 North, Range 28 East, W.M. Grant County								
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE,	

Board's Decision of Application

MAXIMUM CUB FT/SECOND N/A	MAXIMUM GAL/MINUTE 125	MAXIMUM ACRE-FT/YR 41.0	TYPE OF USE, PERIOD OF USE Continuous Municipal						
SOURCE 1 Well			TRIBUTARY OF (IF SURFACE WATER) N/A						
AT A POINT LOCATED: PARCEL NO.			¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY.
1) NW1/4NW1/4			NW	NW	17	19N	28E	41	Grant
2) NW1/4NW1/4			NW	NW	17	19N	28E	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Cascade Valley Water District service Area, within Section 17, Township 19 North, Range 28 East, W.M. Grant County									
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE.		

DESCRIPTION OF PROPOSED WORKS

Integrate Additional Water Quantity of this change into total annual amount authorized.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Dec 2006	Dec 2008	Dec 2009

REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

In April 2006 Mr. Don Gram acting as an agent for the Cascade Valley Water District filed an application with the Grant County Water Conservancy Board (GC WCB) for a change to the Point of Withdrawal, Place of Use, and Purpose of Use for the remaining portion of the water authorized by Ground Water Right Certificate 4834-A. The application was accepted at an open public meeting of the GC WCB and the board assigned their number GRAN-06-005 to this request. The Department of Ecology issued an OK to proceed and has assigned their WRATS number of CG3-*05763C@1 to this request for Change of Water Right.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Bailey M. Young [Land owned now by Earl & Vickie Hubsmith]

Water right document number: 4834-A

Priority date, first use: October 19, 1960

Water quantities: Qi: 125 gpm Qa: 45.5 acre-feet

Source: 1 Well

Point of withdrawal: SW1/4NE1/4 Section 34, Township 19 North, Range 28 East, W.M.

Purpose of use: Seasonal Irrigation 40 acres and Continuous Domestic Supply

Period of use: Seasonal Irrigation annually April 1st to October 31st, Domestic Supply continuously

Place of use: 17.5 acres with SW1/4NE1/4, Section 34, Township 19 North, Range 28 East, W.M. Grant County, WRIA 41

Existing provisions:

- This certificate is also issued subject to any prior rights to artificially stored ground water which may be established by declaration as provided in Sections 90.44.160 and 90.44-170 RCW.
- Water allocated for Irrigation purposes in this Certificate maybe used until such time as the Columbia Basin Project waters are made available for the lands described herein as the place of use. At that time the volumetric withdrawal shall be proportionately reduced to correspond to the acreage, which is not being, or to be served by project waters.

Tentative determination of the water right

The tentative determination is provided on the front page of this report. The owner of the ground water right certificate was found to have been putting the major portion of this right to beneficial use but has recently sold part of the certificate's authorized place of use. As a certificated water right "goes with the land" he could not now sell what he doesn't own. The authorized amount of water is reduced to reflect the land he owns at the time of this Record of Examination.

History of water use and Previous changes

Bailey E. Young submitted Application number 5763 to Appropriate Public Ground Water of the State of Washington on Oct 19, 1960. Permit number 5476 was issued April 3, 1961. Proof of Appropriation was completed and Certificate number 4834-A was issued June 12th, 1964.

Early in 2006 Mr. Hubsmith, the owner of the Place of Use and therefore the water right 4834-A sold a portion of the water authorized to the Moses Lake LDS Church. This change was processed by the GC WCB under their file number GRAN-06-003 and DOE WRATS number CG3-*05763C. The Tentative Determination of water available for transfer at that time reflected Mr. Hubsmith having sold a portion of the place of use without keeping the water rights and having irrigated less than the full allowed acreage. The "Attributes of the water right as currently documented" section of this examination above reflects the Qi and Qa of the available water for transfer after removing what had been sold to the LDS church from the board's tentative board determination of the previous transfer.

SEPA

Ground Water Right Certificate G3-28551C allowable flow rate of 470 gpm and is below the 2250-gpm SEPA exemption. This Change Application is **Exempt** from the SEPA requirements.

FAMILY FARM

Ground Water Right Certificate 4834-A having a priority date before December 8, 1977 is not classified as a Family Farm Certificate in accordance with Chapter 90.66 RCW.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public Notice was published on June 5th and 12th, 2006. There were no protests received during the 30-day protest period that ended July 12th, 2006. In addition, no oral or written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

In considering the proposed change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate 4834-A and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) DOE files, (5) USDA Farm Service Agency annual fly-over aerial photographs, (6) Grant County On-line GIS and Tax Assessors Records, and (7) Field Examination by the GC WCB.

The following information was obtained from a site inspection conducted by GC WCB commissioners Robert S. Rolffness, Keith Ellis, and Ron Baker on September 7th, 2006, during which time the applicants agent and the water right owner, Mr. Hubsmith, were available.

The old authorized Place of Use is located approximately 1 mile south of I-90 freeway and 1/2 mile east of Moses Lake, just south of the City of Moses Lake. This location lies within the geographical area described in the U.S. Bureau of Reclamation's declaration of ownership of artificially stored ground water and called the Quincy Basin special management area, but this certificate predates and is not effected by the QB special management rules.

The old 40-acre Place of Use was found in the process of development into one acre home building sites. A review of the county GIS maps shows this area as 37.78 acres and has been platted into 33 one-acre home site lots. Mr. Hubsmith indicated he had irrigated the area with a circle pivot irrigation machine until the 2004 growing orchard grass and Alfalfa. After which time the pivot was removed and large irrigation pump replaced with a 5 hp unit for irrigation of his home one-acre. Inspection of the USDA FSA compliance flyover photos for 2003, 2004, and 2005 clearly show this change. Mr. Hubsmith has sold several of the platted lots. He did not make an agreement with the new owners to keep the water right or put such language into the transfer deed or plat plan. A review of the Grant County Tax Assessor's on-line database showed Mr. Hubsmith owns lots within the old place of use totaling 18.3 acres. See discussion Existing Right (Tentative Determination) below.

Mr. Hubsmith indicated it's his intent to retain the one-acre parcel where the well that had been the authorized point of withdrawal for certificate 4834-A and his personal home are located. The old well will be used as a non-permitted domestic point of withdrawal for his personal use in the future.

The new Place of Use and Points of Withdrawal are approximately three miles north of the old place of use within the city limits of Moses Lake in an area called Cascade Valley. Cascade Valley is a few hundred acres of low-lying cobbles and sands almost surrounded by Moses Lake and only a few feet above lake level. The Cascade Valley Water District is a Washington State Department of Health classified Class A municipal organization supplying water for domestic and fire protection use to 146 customers through an established pressurized distribution system. It has two storage tanks, one 42,000 gallon on a tower at the districts facility or compound and a 150,000 gallon tank about a quarter mile distance on a bluff overlooking the facility. Both tanks store water at the same water level or system pressure.

The Cascade Valley Water District has three wells drilled, only a few yards from each other, at their compound.

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- Well One – Developed, with working turbine pump, flow meter, and chlorination equipment
 - Well Two – Developed, with working turbine pump, flow meter, and chlorination equipment
 - Well Three – Drilled, not developed. Well 3 to be developed and Well 2 either will be abandoned or put into standby status in the future.

The GC WCB has received and recently processed a previous Request Change of Water Right from the Moses Lake LDS Church for a portion of this certificate 4834-A. See WRATS number CG3-*05763C.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment.

The Board's tentative determination was based upon the following:

- Field Examination observations.
- Discussion with the applicant.
- Grant County PUD Power Invoices
- Grant County Tax Assessors data base
- USDA FSA compliance fly-over aerial photos

The GC WCB determined from the water right holder and verified by the flyover aerial photos an agricultural crop had been grown on the Place of Use until 2004. Mr. Hubsmith indicated the pivot was 660 ft long with an end gun. Operating in a full circle mode it was supplying water to 29.5 acres. The water usage was also supported by Grant County PUD power records, which had been metering the single 30 hp pump, and by the type crop being grown. Using the highest two out of the last five years water usage the board determined a beneficial use average of 105 acre-feet over 29.5 acres.

Since 2005 Mr. Hubsmith has developed and sold building lots from his place of use retaining 18.47 acres of the original 39 acres. He did not retain the water rights in the Sale Deeds of Transfer, platting documentation, or separate agreements with the buyers. Also this 18.47 acres owned by him was reduced one more acre to 17.47 acres because he did not farm commercially the parcel

on where his personal home is constructed. The total acre-feet was determined by reducing the total that had been used in the two highest consumptive years out of the last five to the 17.47 acres within the place of use Mr. Hubsmith now owns. Plus the applicant recently sold to the LDS church 18.5 acre-feet of his allowable water. This reduces the total water to 45.5 acre-feet available for change by this application.

Annual Consumptive Quantity - Return Flow:

Because a change of use is being requested for the water right 4834-A the Water Conservancy Board must consider this amount of water subject to return flow in its calculation of Annual Consumptive Quantity (ACQ) as required by RCW 90.03.380. After review of the Orchard Grass and Alfalfa crops and pivot irrigation system with overhead sprinklers, which had been, used for irrigation by Mr. Hubsmith the board concluded a Return Flow of 10% should be used. The total acre-feet of tentative determined water available for transfer was reduced by 10% [Return Flow] to calculate the Annual Consumptive Quantity [ACQ], which was what is being changed. Therefore the total water allowable for change (ACQ) is 41.0 acre-feet.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Applications for change of water permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdrawal public ground water may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require showing of compliance with the terms of the amendment.

The 1961 well log of Mr. Hubsmith's well indicates its 10-inch diameter, drilled to 157 ft depth, with a static water level of 83 ft. In the history of this well it has been fitted with 250 hp turbine, 30 hp turbine, 20 hp turbine, and 5 hp pumps.

The parameters of the existing well at the new place of use are not known. The applicant's representative, Ron Baker who is a Consulting Engineer, on the Board of Directors the Cascade Valley Water District, and a Commissioner of the Grant County Water Conservancy Board, indicated the Cascade Valley Water District wells 1 and 2 are known to be hydraulically coupled to Moses Lake as their static levels are following the lake level.

The board has determined the requested new Points of Withdrawal will tap the same aquifer or source of public water as the original authorized well. It can't be proven but there is considerable thinking both wells maybe hydraulically coupled to Moses Lake, which is less than a mile from each location.

Impairment Analysis

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection; and/or 2) to prevent the beneficial use of the water to which one is entitled; and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below flow levels established by rule (POL-1200); and/or 4) degrade the quality source to the point that the water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The GC WCB found there would not be any impairment of existing water rights based on these considerations.

- There is no known history of impairment in the area
- There is no increase in water quantity by this change on the existing aquifer.

FINDINGS and CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The Grant County Water Conservancy Board found:

- Ground Water Right 4834-A is a valid Certificate.
- Ground Water Right Certificate 4834-A in an amount of 125 gallons per minute, 64.5 acre-feet for the purpose of seasonal irrigation of 64.5 acres is available for change or transfer.
- There are no relinquishment or abandonment concerns with Ground Water Certificate 4834-A

Hydraulic analysis and Impairment

The board found there has been no documented history of pumping interference between existing wells in the area of the new place of use. It is not anticipated that the proposed the new point of withdrawal will not cause impairment to existing water rights because same amount of water will be withdrawn from the same aquifer and from a location very close to the old wells.

Consideration of comments and protests

There was no comments or protests received by the board or the Department.

Public Interest or Welfare

There has been no public expression, protest, or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

DECISION [See WAC 173-153-130(6)(e)]

It is the conclusion of the Grant County Water Conservancy Board that, in accordance with Chapters 90.03 and 90.44 this application for change the Points of Withdrawal of Ground Water Certificate 4834-A maybe granted in that it will not enlarge the quantity of authorized water or place of use, nor will it impair existing rights or be detrimental to the public welfare provided the provisions below are followed.

PROVISIONS [See WAC 173-153-130(6)(f)]

All conditions and requirements contained in reports of examination or permits previously issued apply to this change unless specifically noted below.

An approved measuring device shall be installed and maintained for each source identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring devices to meet the above conditions.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and place of use specified.

This authorization to make uses of public water of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

A Superseding Certificate of water right will not be issued until a final examination is made.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

Water Well Construction. All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)

WAC 173-160-381 Water Well Decommission. Any well that is unusable, abandoned, or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard shall be decommissioned. The decommissioning procedure is prescribed in WAC 173-160-381 and shall be recorded and reported to the Department of Ecology.

Signed at Moses Lake, Washington

This 28 day of September, 2006

Robert S. Rolfness, Commissioner
Grant County Water Conservancy Board

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GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only	
Received:	SEP 29 2006
DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE	

Record of Decision

APPLICANT: Cascade Valley Water District

DOE WRATS Number: CG3-*05763C@1

This record of decision was made at an open public meeting of the Grant County Water Conservancy Board held on September 28, 2006

☒ **Approval:**

The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 28th, 2006 and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

☐ **Denial:**

The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

_____ W. Ron Baker, Commissioner Grant County Water Conservancy Board	Date: _____	Approves <input type="checkbox"/>
		Denies <input type="checkbox"/>
		Recuse <input type="checkbox"/>

<u>Keith Ellis</u> Keith Ellis, Commissioner Grant County Water Conservancy Board	Date: 9/28/06	Approves <input checked="" type="checkbox"/>
		Denies <input type="checkbox"/>
		Recuse <input type="checkbox"/>

<u>Robert S. Rolfness</u> Robert S. Rolfness, Chair Grant County Water Conservancy Board	Date: 9/28/06	Approves <input checked="" type="checkbox"/>
		Denies <input type="checkbox"/>
		Recuse <input type="checkbox"/>

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via tracked mail, and other interested parties on September 28th, 2006.
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For attachments not included or for more information please contact:

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